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BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 05-286
Ex Parte Presentation

Dear Ms. Dortch:

On Tuesday, November 22, 2005, Luisa L. Lancetti, Vice President – Government Affairs, Wireless Regulatory, Sprint Nextel Corporation (“Sprint Nextel”) and I held separate meetings with John Branscome, Acting Legal Advisor for Wireless, Technology, and International Issues to Commissioner Kathleen Abernathy; John Giusti, interim legal advisor to Commissioner Michael Copps; and Michael Wilhelm, Jeff Cohen, and Peter Trachtenberg of the Wireless Telecommunications Bureau, regarding Sprint Nextel’s September 29, 2005 Request for Limited Waiver of the Commission’s Enhanced 911 (“E911”) rules.

In these meetings, we explained that there is good cause for expeditiously granting Sprint Nextel’s request for a limited and temporary waiver of the December 31, 2005, Enhanced 911 benchmark requiring that 95% of Sprint Nextel’s active subscriber handsets be Global Positioning Satellite (“GPS”) capable. The unforeseen circumstances that have undermined Sprint Nextel’s aggressive compliance efforts since 2001, as well as the steps it has taken to overcome those circumstances, provide compelling justification for a grant of Sprint Nextel’s requested relief.

As explained in its waiver request and its October 31, 2005 Reply Comments, a confluence of events beyond Sprint Nextel’s control will prevent Sprint Nextel from meeting the December 2005 95% handset penetration benchmark. Sprint Nextel’s compliance efforts were hindered by a delay in the availability of GPS-enabled handsets for its iDEN network. Since July 2004, Sprint Nextel has also had to overcome the effects of an unforeseeable, latent software defect that effectively disabled GPS functionality on millions of iDEN handsets. Finally, the rate of iDEN handset replacement by Sprint Nextel customers has been significantly lower than the Commission anticipated when it set the benchmark for GPS-enabled handset penetration at 95%. In light of these factors, and Sprint Nextel’s efforts to overcome these obstacles, it would be inequitable and contrary to the public interest for the Commission to require Sprint Nextel’s strict compliance with the December 2005 benchmark.

Sprint Nextel respectfully submits that waiver of Sprint Nextel's 95% handset penetration benchmark will not undermine the policies underlying the Commission's E911 rules. A majority of PSAPs have not yet upgraded their facilities, and with the full safety benefits of owning a GPS-enabled handset yet to be realized, the public interest will not be harmed by a grant of Sprint Nextel's requested relief.

Sprint Nextel can demonstrate that it has taken concrete steps to come as close as possible to compliance with the Commission's E911 requirements. Sprint Nextel has made ongoing remedial efforts to rectify the effects of the GPS software glitch and has taken more general steps to address the lower-than-anticipated rate of handset replacement among its subscribers. Sprint Nextel has also established a clear path to full compliance with the Commission's 95% handset penetration benchmark. Sprint Nextel has taken and will continue to take a number of activities to persuade customers to upgrade from non-GPS-enabled handsets to GPS-enabled units, including significant marketing and promotional efforts during 2006 and 2007. Finally, Sprint Nextel's sales momentum is expected to increase with the expanded scale of the new company, a factor that should increase the rate of customer purchases of GPS-capable handsets.

Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is being filed electronically for inclusion in the public record of the above-referenced proceeding.

Sincerely,

/s/ Regina M. Keeney
Regina M. Keeney

cc: John Branscome
John Giusti
Michael Wilhelm
Jeff Cohen
Peter Trachtenberg